

REMARKS

Claims 1-21 are pending in this application. In this Amendment, claims 1-21 have been amended. Care has been exercised to avoid the introduction of new matter. Specifically, claims 2-4 have been amended to be dependent on independent claim 1, and claims 11-13, 16, and 17 have also been amended to be dependent on independent claim 10. Claims 1 and 10 are now independent.

Claim Rejections—35 U.S.C. § 101

Claims 1-9 have been rejected under 35 U.S.C. § 101 because according to the Examiner, the claimed subject matter is directed to non-statutory subject matter. The Examiner specifically asserted that the claimed process is not tied to another statutory class or transforms underlying subject matter to a different state or thing.

In response, claim 1 has been amended to clarify that each step is performed by a computer. Support for the amendments to claim 1 can be found in, for example, page 10, lines 10-16 of the specification. It is noted that claims 2-9 depend on independent claim 1.

Applicants, therefore, respectfully solicit withdrawal of the rejection of the claims.

Claim Rejection Under 35 U.S.C. § 102

Claim 1, 4-6, 8-11, 13-17, and 21 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Takemoto et al (U.S. Patent Application Publication No. 2003/0048354, hereinafter “Takemoto”).

Takemoto does not identically disclose a stereoscopic vision-use image providing method including all the limitations recited in independent claim 1, and a stereoscopic image display apparatus including all the limitations recited in independent claim 10.

With respect to claim 1, the reference does not disclose, among other things, “viewpoint-number information for selecting one or more two-dimensional images of the plurality of two-dimensional images of different viewpoints for presentation as a two-dimensional image or stereoscopic image respectively,” recited in the claim.

The factual determination of lack of novelty under 35 U.S.C. §102 requires the identical disclosure in a single reference of each element of the claimed invention, such that the identically claimed invention is placed into the possession of one having ordinary skill in the art. *See Helifix Ltd. v. Blok-Lok, Ltd.*, 208 F. 3d 1339, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994). Moreover, in imposing the rejection under 35 U.S.C. §102, the Examiner is required to point to “page and line” wherein an applied reference is perceived to identically disclose each feature of a claimed invention. *In re Rijckaert*, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984). As part of this analysis, the Examiner must (a) identify the elements of the claims, (b) determine the meaning of the elements in light of the specification and prosecution history, and (c) identify corresponding elements disclosed in the allegedly anticipating reference. *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, *supra*.

In the Office Action, the Examiner simply cited “p0045, p0175-p0185” to assert that Takemoto discloses the claimed “viewpoint-number information for selecting one or more two-

dimensional images....” This shows that the Examiner has not discharged his burden of at least identifying corresponding elements disclosed in the allegedly anticipating reference. Applicants respectfully request the Examiner to clarify what elements correspond to the claimed elements to maintain the present rejection. Otherwise, the present rejection should be withdrawn.

According to Applicants’ study, Takemoto appears to disclose viewpoint-number information allotted to each two-dimensional image data, or information for obtaining, by an arithmetic calculation on a receiver side, viewpoint-number information in each two-dimensional image area in image data. However, Takemoto is silent on, among other things, “viewpoint-number information for selecting one or more two-dimensional images of the plurality of two-dimensional images of different viewpoints for presentation as a two-dimensional image or stereoscopic image respectively,” recited in claim 1.

Based on the foregoing, Takemoto does not identically disclose a stereoscopic vision-use image providing method including all the limitations recited in independent claim 1. Dependent claims 4-6, 8, and 9 are also patentably distinguishable over Takemoto at least because these claims respectively include all the limitations recited in independent claim 1.

The above discussion is applicable to independent claim 10 at least because the claims recite similar apparatus limitations as the above-discussed limitations of claim 1. Dependent claims 11, 13-17, and 21 are also patentably distinguishable over Takemoto at least because these claims respectively include all the limitations recited in independent claim 10.

Applicants, therefore, respectfully solicit withdrawal of the rejection of the claims and favorable consideration thereof.

Claim Rejection Under 35 U.S.C. § 103

1. Claims 3, 7, 19, and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Takemoto.
2. Claims 2 and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Takemoto in view of Tahara et al (U.S. Patent No. 6,671,323, hereinafter “Tahara”).
3. Claim 18 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Takemoto in view of Suzuki et al (U.S. Patent Application Publication No. 2003/0012425, hereinafter “Suzuki”).

Claims 2, 3, and 7 depend on independent claim 1, and claims 12 and 18-20 depend on independent claim 10. Applicants thus incorporate herein the arguments made in response to the rejection of independent claims 1 and 10 under 35 U.S.C. § 102 for anticipation as evidenced by Takemoto.

The Examiner’s additional comments and reference to Tahara and Suzuki do not cure the deficiencies of Takemoto. Applicants, therefore, respectfully solicit withdrawal of the rejection of the claims and favorable consideration thereof.

Conclusion

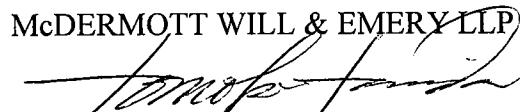
In view of the above amendments and remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


Tomoki Tanida
Registration No. 60,453

**Please recognize our Customer No. 20277
as our correspondence address.**

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 TT:MWE
Facsimile: 202.756.8087
Date: August 4, 2010